

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of
FRANCISCUS L.G. VRIES ET AL.

Atty. Docket
NL 020012

Serial No. 10/500,502

Confirmation No. 4392
Group Art Unit: 1755

Filed: FEBRUARY 22, 2005

Examiner: GROUP, KARL E.

Title: SINTERED BODY AND ELECTRIC LAMP

Mail Stop Appeal Brief-Patents
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' REPLY BRIEF

Sir:

In response to the Examiner's Answer mailed on June 13, 2007,
please consider the following remarks:

REMARKS

Appellants maintain the arguments submitted in the Appeal Brief mailed on March 5, 2007, which are incorporated herein by reference. Further, Appellants refute the allegations made in the Examiner's Answer of June 13, 2007.

In particular, Appellants respectfully refute the allegation in the Examiner's Answer, page 5, lines 2-4, that:

One of ordinary skill in the art, [in] selecting compositions within the ranges of Scott et al would more likely select compositions within the claimed range than outside the claimed range.

It is respectfully submitted that U.S. 6,639,362 (Scott) is concerned with reducing sodium loss and there is no teaching or suggestion in U.S. 6,639,362 (Scott) of limiting the MgO to 1000 ppm. Scott merely teaches that an MgO range of 50-1500 ppm and is completely silent about the purpose of MgO.

Assuming, arguendo, that the one skilled in the art would conclude that MgO is added to reduce sodium loss, then it is likely that one skilled in the art would also conclude that more MgO is better to further limit sodium loss. That is, instead of the Examiner's allegation that one skilled in the art is likely to

chose the claimed MgO range of 50-1000 ppm, it is more likely that one skilled in the art would chose an MgO amount of more than 1000 ppm in view of the teachings of Scott.

Further, U.S. 5,625,256 (Tiedt) teaches an MgO range of 100-800 ppm and specifically recites that:

if the proportion of MgO is smaller [than 100 ppm], the grain growth of the sintered body increases disproportionately, interfering with the mechanical strength of the ceramic. (Column, 3, line 67 to column 4, line 2)

Thus, Tiedt teaches away from using MgO in the amounts of less than 100, or from 50 to 1000 ppm, as required by independent claim 1. Further, one skilled in the art would only be confused from the teachings of the combination of Tiedt and Scott, where Tiedt discloses MgO in the amount of 100-800 ppm, while Scott discloses MgO in the amount of 50-1500 ppm.

It is respectfully submitted that, in view of the combination of Tiedt and Scott, one skilled in the art would not arrive to present invention in an obvious manner without undue experimentation and/or impermissible hindsight using the teachings of the present application as a road map.

Further, the Scott range of 0-700 ppm or 100-700 ppm, and the

Tiedt range of 200-1200 ppm for ZrO_2 , are different from the ZrO_2 range of 50-600 ppm recited in independent claim 1. In view of the teaching of the present application, where too little or too much ZrO_2 has detrimental effects, it is respectfully submitted that one skilled in the art would not arrive to the narrower critical range of 50-600 ppm for ZrO_2 , as required by claim 1, from the ranges disclosed in Scott and Tiedt.

Accordingly, it is respectfully submitted that independent Claims 1 is allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that Claims 2-6 should also be allowed at least based on their dependence from independent Claim 1.

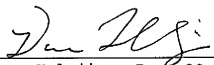
In addition, Appellants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Appellants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

CONCLUSION

Claims 1-6 are patentable over Scott and Tiedt.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
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August 6, 2007

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